

Serial No. 10/759,110

May 17, 2005

Reply to the Office Action dated January 19, 2005

Page 5 of 6

REMARKS/ARGUMENTS

Claims 1-10 are pending in this application. By this Amendment, Applicants amend claim 1 and cancel claims 11-20.

Applicants appreciate the Examiner's indication that claims 2 and 6 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

The Examiner rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants have amended claim 1 to correct the informality noted by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1, 3-6 and 8-10 were rejected under 35 U.S.C. § 102(a) as being anticipated by Takeshima et al. (U.S. 6,794,799). Applicants note that although the Examiner listed claims 1, 3-6 and 8-10 in the rejection over Takeshima et al., it appears that the Examiner intended to list claims 1, 3-5 and 7-10, since the Examiner specifically addressed claims 1, 3-5 and 7-10 and indicated that claim 6 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicants respectfully traverse this rejection.

Applicants submit herewith a Declaration under 37 C.F.R. § 1.132 which indicates that Mr. Tetsuo Takeshima (1) is an inventor in the present application, (2) invented all of the subject matter disclosed in U.S. Patent No. 6,794,799 and relied on in a prior art rejection of the claims in the presently pending U.S. Patent Application No. 10/759,110, and (3) invented the common subject matter disclosed in U.S. Patent No. 6,794,799 and the presently pending U.S. Patent Application Serial No. 10/759,110. Therefore, Applicants respectfully submit that Takeshima et al. (U.S. 6,794,799) is disqualified as prior art in the present application.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3-5 and 7-10 under 35 U.S.C. § 102(a) as being anticipated by Takeshima et al. (U.S. 6,794,799).

Serial No. 10/759,110
May 17, 2005
Reply to the Office Action dated January 19, 2005
Page 6 of 6

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claim 1 is allowable. Claims 2-10 depend upon claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a One-month extension of time, extending to May 19, 2005, the period for response to the Office Action dated January 19, 2005.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: May 17, 2005


Attorneys for Applicant

Joseph R. Keating
Registration No. 37,368

Christopher A. Bennett
Registration No. 46,710

KEATING & BENNETT LLP
10400 Eaton Place, Suite 312
Fairfax, VA 22030
Telephone: (703) 385-5200
Facsimile: (703) 385-5080